

**United States District Court**

**DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA

v.

JUAN CARBAJAL-MAGANA

**Criminal Complaint**

CASE NUMBER: 07- *189 m*

(Name and Address of Defendant)

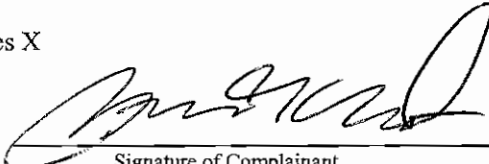
I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

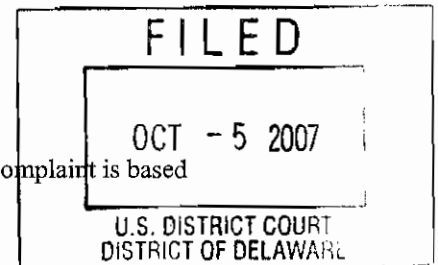
On or about October 4, 2007, in the State and District of Delaware, Defendant Juan Carbajal-Magana, an alien and subject of Mexico, was found in the United States, after having been removed therefrom on or about June 15, 2005, at or near Douglas, Arizona, and defendant was knowingly in the United States unlawfully, and prior to his reembarkation at a place outside the United States, neither the United States Attorney General nor the Undersecretary for Border and Transportation Security, Department of Homeland Security, expressly consented to Defendant's reapplying for admission to the United States; in violation of 8 U.S.C. § 1326(a).

I further state that I am a(n) Special Agent, Department of Homeland Security, ICE and that this complaint is based  
Official Title  
on the following facts:

See attached Affidavit.

Continued on the attached sheet and made a part hercof: Yes X

  
\_\_\_\_\_  
Signature of Complainant  
Brian Maher  
Special Agent, ICE




Sworn to before me and subscribed in my presence,

October 5, 2007 at \_\_\_\_\_  
Date

Honorable Leonard P. Stark  
United States Magistrate Judge  
Name & Title of Judicial Officer

Wilmington, DE  
City and State

  
\_\_\_\_\_  
Signature of Judicial Officer

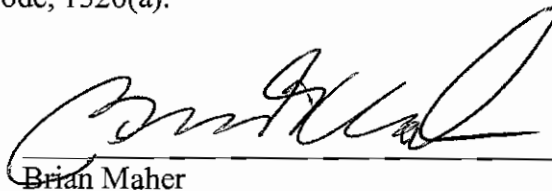
**AFFIDAVIT OF BRIAN MAHER**

I, Brian Maher, being duly sworn, do depose and state the following:

1. I am a Special Agent with U.S. Immigration and Customs Enforcement (ICE) in the Department of Homeland Security. I have been employed as an ICE Special Agent for over five years, during which I have conducted numerous investigations into violations of U.S. Customs laws and U.S. Immigration laws, including those involving the re-entry into the United States of aliens who previously have been removed.
2. This affidavit is submitted in support of an application for a warrant of arrest for Juan Carlos CARBAJAL-Magana, a native and citizen of Mexico, for violation of 8 USC 1326(a), Illegal Re-entry into the United States After Removal.
3. ICE encountered CARBAJAL-Magana on October 4, 2007 during a Delaware Public Safety Initiative conducted in Elsmere, Delaware, within the District of Delaware.
4. On October 5, 2007, in the presence of your affiant, ICE Special Agent William Horn, who is fluent in the Spanish language, advised CARBAJAL-Magana of his rights and interviewed him under oath. CARBAJAL-Magana advised the agents that his true and correct name is Juan Carlos CARBAJAL-Magana, that he is a citizen of Mexico, and that he had previously been removed from the United States on two separate occasions. When asked, CARBAJAL-Magana stated that he had not requested or obtained permission to reapply for admission to the United States.
5. On October 5, 2007, CARBAJAL-Magana was fingerprinted on ICE's Integrated Automated Fingerprint Identification System (IAFIS). IAFIS identified the fingerprints as those of Juan CARLOS-Carbejel, FBI Number 96635JB7 with Alien File number A78

492 696. Several variations of his name are listed as aliases, including Juan Carlos CARBAJAL-Magana.

6. Your affiant has reviewed the portions of CARBAJAL-Magana's alien file, A78 492 696, which relate to his two prior removals from the United States. The file contains an executed Form I-205, Warrant of Removal, showing that CARBAJAL-Magana was removed from the United States to Mexico on September 11, 2000, at Laredo, Texas. The file also contains an executed Form I-860, Notice and Order of Expedited Removal, showing that CARBAJAL-Magana was again removed from the United States to Mexico on June 15, 2005, at Douglas, Arizona. Your affiant found no evidence of any filings for permission to reapply for admission to reenter the United States after having been removed.
7. WHEREFORE, your affiant avers there is probable cause to believe that Juan Carlos CARBAJAL-Magana, a citizen and national of Mexico, was previously removed by ICE to Mexico on September 11, 2000, and again on June 15, 2005, and that, prior to his reembarkation at a place outside the United States, neither the United States Attorney General nor the Undersecretary for Border and Transportation Security, Department of Homeland Security, had expressly consented to such alien's reapplying for admission, in violation of Title 8, United States Code, 1326(a).



Brian Maher  
Special Agent  
U.S. Immigration & Customs Enforcement

Sworn to + subscribed in my presence  
This 5th day of October, 2007  
Leon P. Stark  
U.S. Magistrate Judge